NUMISMATISTS
AUCTIONEERS • APPRAISERS

COPY

Stack's

COINS • MEDALS • PAPER MONEY

123 WEST 57TH STREET • NEW YORK, N.Y. 10019-2280

November 4, 1997

Via Fax and U.S. Mail
Mr. Donald Partrick
Council Member, American Numismaqtic Society
1787 Veterans Memorial Highway
Central Islip, NY 11722

Re: Proposed Article Entitled "False Western Americna Gold Bars"

Dear Donald:

Thank you for taking the time to review this matter and to consider the concerns we have raised. This will confirm our telephone conversation yesterday in which you advised me the Society had sent the article to Eric Newman to be reviewed and edited in light of the points raised in Mr. Budney's letter dated October 28, 1997. I was quite relieved to learn that you and the Society were considering these issues before publishing the article, and I am confident we will be able to amicably resolve this problem if the appropriate revisions are made.

This will also confirm my request to review the revised article sufficiently in advance of publication to provide Stack's the opportunity to suggest any further scholarly revisions which can be mutually agreed upon. We are making this request because of the dramatic impact the original proposed article would have had on Stack's, as well as on me personally, and our understandable desire to ensure that our concerns have been appropriately addressed.

Thank you again for your efforts.

Sincerely,

STACK'S

Harvey G. Stack

cc: Mr. Leslie Elam
Mr. Arthur Houghton
Ms. Marie Martin
Mr. Eric Newman

TEL 212/582-2580 FAX 212/245-5018

Phone 212/234-3130
Fax 212/234-3381
E-mail: Info@AmNumSoc.Org

THE AMERICAN NUMISMATIC SOCIETY
(FOUNDED 1858 • INCORPORATED 1865)
BROADWAY AT 155TH STREET
NEW YORK · N.Y. 10032

November 26, 1997

Mr. Harvey Stack
123 West 57th Street
New York, NY 10019

DRAFT FOR EVALUATION

Dear Harvey,

I have waited until now to reply by letter to Mr. Budney's letter of October 28 to Marie Martin, copied to me, and your letter of November 4 to Don Partrick, again copied to me. We deeply appreciate the information supplied to us through Mr. Budney, much of which was not previously known to Prof. Buttrey or to the ANS. Our library does not have a copy of Mehl's inventory of the Pioneer and Western Gold collection of Waldo Newcomer, we would be very obliged to you if you could supply us with a full copy.

In reviewing the material supplied by you in order to assure the factual accuracy and level of scholarship of the Buttrey article, our Editor, Dr. Martin, has asked the Eric P Newman Numismatic Education Society for assistance in making suggestions. In turn, her mark-up of the article was sent to the author who has made many changes to take account of the new information provided. I believe the article is much improved as the result of your suggestions and subsequent review by the ANS and the author.

I would add my personal appreciation to you for following through on our phone conversation of November 3, that this is a scholarly article appearing in a scholarly journal. We have the responsibility to publish as accurate an account as can be determined by the evidence available. Readers have the responsibility to recognize that all scholarship is subject to refinement and adjustment based on new evidence and new interpretations. We need to respect each other in these pursuits even as we respect the need to study and publish in our discipline.

We expect to have the printed journal early in 1998; meanwhile I take this opportunity to wish you a happy holiday season and a good new year.

Sincerely yours,

Leslie A. Elam
Executive Director

Faxed to 212 234 3381 2PM

Harvey - I have called me after reviewing these thoughts

Phone 212/234-3130
Fax 212/234-3381
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BROADWAY AT 155TH STREET

NEW YORK · N.Y. 10032

Dec , 1997

~~November 26, 1997~~

Stack's →

Mr. Harvey Stack
123 West 57th Street
New York, NY 10019

DRAFT FOR EVALUATION

Dear Harvey, and others

I have waited until now to reply by letter to Mr. Budney's letter of October 28 to Marie Martin, copied to me, and your letter of November 4 to Don Partrick, again copied to me. We deeply appreciate the information supplied to us through Mr. Budney, much of which was not previously known to Prof. Buttrey or to the ~~ANS~~ our people. Our library does not have a copy of Mehl's inventory of the Pioneer and Western Gold collection of Waldo Newcomer, and we would be very obliged to you if you could supply us with a full copy. (We refer you to Lot 375 of the Elder 12/13/29 Auction which we located through your lead.)

In reviewing the material supplied by you in order to assure the factual accuracy and level of scholarship of the Buttrey article, our Editor, Dr. Martin, has asked the Eric P. Newman Numismatic Education Society for assistance in making suggestions. In turn, her mark-up of the article was sent to the author who has made many changes to take account ~~of the~~ your new information ~~provided~~ provided. I believe the article is much improved as the result of your suggestions and subsequent review by the ANS and the author.

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We expect to have the printed journal early in 1998; meanwhile I take this opportunity to wish you a happy holiday season and a good new year.

a presentation by an author on a complex authentication subject?

Sincerely yours,

Leslie A. Elam
Executive Director

cc: Gerald I. Budney

Does ANS want to mention the conciliatory attitude expressed in both letters? – and that ANS has that same attitude.

Do you think this should be shown to Arthur and Don before sending? also Marie.

Phone: 212/234-3130
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E-mail: info@AmNumSoc.Org

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NEW YORK · N.Y. 10032

November 26, 1997 will be dated as sent.

Mr. Harvey Stack
Stack's
123 West 57th Street
New York, NY 10019

Dear Harvey,

I have waited until now to reply by letter to Mr. Budney's letter of October 28 to Marie Martin, copied to me and others, and your letter of November 4 to Don Partrick, again copied to me and others. We deeply appreciate the information supplied to us through Mr. Budney, much of which was not previously known to Prof. Buttrey or to our people. Our library does not have a copy of Mehl's inventory of the Pioneer and Western Gold collection of Waldo Newcomer and we would be very obliged to you if you could supply us with a full copy. We refer you to lot 975 of the Elder 12/13/1929 Auction which we located through your lead.

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I would add my personal appreciation to you for following through on our phone conversation of November 3, in which we noted that this is a scholarly article appearing in a scholarly journal. We have the responsibility to publish as accurate a presentation by an author on a complex authentication subject as can be determined by the evidence available to us. Readers have the responsibility to recognize that all scholarship is subject to refinement and adjustment based on additional evidence and different interpretations. We need to respect each other in these pursuits even as we respect the need to study and publish in our discipline.

We expect to have the printed journal early in 1998; meanwhile I take this opportunity to wish you a happy holiday season and a good new year.

Sincerely yours,

Leslie A. Elam
Executive Director

cc: Jerold I. Budney

EPN -
FYI,
Les.

Phone 212/234-3130
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Fax Transmission

Destination:	516/234-1056
Addressee:	Mr Donald G Partrick
From:	Leslie A. Elam, Executive Director, ANS
Date:	November 25, 1997
Reply Nos.:	TEL 212/234-3130, ext 218 FAX 212/234-3381
Total pages:	2

Attached is the letter I propose to send to Harvey as the response to both his atty's letter to us and H's subsequent letter to you that he copied me and others on. I had a long and mutually respectful telephone conversation with Harvey on the 3rd and think that we understand each other. I have deleted all reference to Harvey personally in the article since I respect his point that all he does in this regard is corporate, that is, Stack's. We have also taken account of the additional information he supplied, which has improved the article.

Arthur has seen and approved of the letter and told me he put a call in to you to anticipate my sending this on to you. I would like to get the letter off to Harvey at the earliest opportunity but do want you to see it beforehand.

Phone 212/234-3130
Fax 212/234-3381
E-mail Info@AmNumSoc.Org

THE·AMERICAN·NUMISMATIC·SOCIETY
(FOUNDED 1858 · INCORPORATED 1865)
BROADWAY·AT·155TH·STREET
NEW·YORK·N.Y. 10032

November 28, 1997

Mr. Harvey Stack
Stack's
123 West 57th Street
New York, NY 10019

Dear Harvey,

I have waited until now to reply by letter to Mr. Budney's letter of October 28 to Marie Martin, copied to me and others, and your letter of November 4 to Don Partrick, again copied to me and others. We deeply appreciate the information supplied to us through Mr. Budney, much of which was not previously known to Prof. Buttrey or to our people. Our library does not have a copy of Mehl's inventory of the Pioneer and Western Gold collection of Waldo Newcomer and we would be very obliged to you if you could supply us with a full copy. We refer you to lot 975 of the Elder 12/13/1929 Auction which we located through your lead.

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I would add my personal appreciation to you for following through on our phone conversation of November 3, in which we noted that this is a scholarly article appearing in a scholarly journal. We have the responsibility to publish as accurate a presentation by an author on a complex authentication subject as can be determined by the evidence available to us. Readers have the responsibility to recognize that all scholarship is subject to refinement and adjustment based on additional evidence and different interpretations. We need to respect each other in these pursuits even as we respect the need to study and publish in our discipline.

We expect to have the printed journal early in 1998; meanwhile I take this opportunity to wish you a happy holiday season and a good new year.

Sincerely yours,

Leslie A. Elam
Executive Director

cc: Jerold I. Budney

ERIC P. NEWMAN NUMISMATIC EDUCATION SOCIETY

6450 Cecil Avenue, St. Louis, Missouri 63105

December 2, 1997

Mr. Leslie A. Elam
American Numismatic Society
Broadway at 155th Street
New York, NY 10032

RE: Publication of Buttrey Article in AJN

Dear Les:

In view of the very strong comments in the December 1, 1997 letter from Jerold I. Budney to you on the above matter, perhaps it would be advisable for you to submit the matter to the officers of the Society to decide whether to obtain guidance from the ANS attorney. Perhaps copies of the correspondence with Stack's and with Stack's attorney should be distributed, and if anyone wishes to read the text of the article, they should be sent a copy and encouraged to do so.

The editing and the revision were intended to eliminate the problem which Stack's raised.

Sincerely,

Eric P. Newman

EPN:bv

Copy faxed 12/2
also mailed

Phone 212/234-3130
Fax 212/234-3381
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Fax Transmission

Destination:	314/727-0820
Addressee:	Eric P. Newman
From:	Leslie A. Elam, Executive Director, ANS
Date:	December 2, 1997
Reply Nos.:	TEL 212/234-3130, ext 218 FAX 212/234-3381
Total pages	2

Attached is the letter from Stack's atty received here this morning. Not unexpected but still a bit chilling. I take it we stay the course.

GREENBERG
ATTORNEYS AT LAW
TRAURIG

Jerold I. Budney
(954) 768-8246
budneyj@gtlaw.com

December 1, 1997

VIA FAX and FEDEX

Mr. Leslie A. Elam
Executive Director
American Numismatic Society
Broadway at 155th Street
New York, NY 10032

Re: Proposed Article Entitled "False Western American Gold Bars"
Our File No. 18138.014700

Dear Mr. Elam:

Harvey Stack referred your letter dated November 28, 1997 to me. We are encouraged by your acknowledgement that the ANS is revising the article you sent us, but remain gravely concerned that you have failed to delete the defamatory "sting" of the article – the express or implied accusation that Stack's and/or Harvey Stack participated in an alleged fraud. This is to reiterate that unless you remove these defamatory references to Stack's and Harvey Stack, our clients intend to hold the ANS accountable for the extensive damages which are likely to result from the publication of this accusation.

As a result of the information we were able to provide you on such short notice, you apparently now recognize that the premise for this accusation rests on a distortion of reality. Indeed, you admit that your own independent research confirms that this premise is unfounded. However, contrary to the suggestion in your letter, your legal responsibility is not merely to publish the evidence currently available to you, but to delete this false accusation from the article. Merely adding the facts we provided you will not fulfill that responsibility. As we advised you in our prior correspondence, these facts are merely the tip of the iceberg. You have not provided us adequate time to complete our research and supply you with additional evidence discrediting this accusation. It took over a year to prepare the article; it is unfair to require my clients to provide you with a complete rebuttal in a few weeks. Any subsequent publication of such a rebuttal will not redress the damage you will have caused my clients.

Mr Stack's November 4 letter requested the opportunity to review the revised article before publication. You apparently have refused that request. You therefore publish at your peril. If the published version of this article continues to defame my clients, then the ANS will be held responsible for the damages it has caused.

Sincerely,

JEROLD I. BUDNEY

cc: Mr. Harvey G. Stack

GREENBERG TRAURIG HOFFMAN LIPOFF ROSEN & QUENTEL, P.A.
POST OFFICE BOX 14036 FORT LAUDERDALE, FLORIDA 33302
515 EAST LAS OLAS BOULEVARD FORT LAUDERDALE, FLORIDA 33301 954 765-0500 FAX 954-765-1477
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FORT LAUDERDALE WEST PALM BEACH ORLANDO TALLAHASSEE BOCA RATON